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Paper No. 5

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San Diego, CA 92120

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NOV 12 2003

OFFICE OF PETITIONS

ON PETITION

In re Application of :
David H. Blount :
Application No. 09/754,580 :
Filed: January 5, 2001 :
Attorney Docket No. n/a :

This is a decision on the petition under 37 CFR 1.137(b), filed October 24, 2003, to revive the above-identified application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply in a timely manner in reply to the Notice to File Missing Parts of Application (Notice) mailed April 5, 2001, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on June 6, 2001.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is not a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed;¹ (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). The instant petition lack(s) item(s) (1).

As to item (1), Petitioner has submitted a petition to revive on the grounds of unintentional delay accompanied by a \$55 petition fee. Effective October 1, 2003, the small entity petition fee

¹ In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

required for revival of an application under the unintentional provisions of 37 CFR 1.137(b) is \$665. Accordingly, a balance due of \$610 is required before revival of the application can be effected.

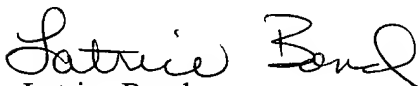
Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.



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